



736 F Street  
Arcata, CA 95521

*Rachel*

City Manager (707) 822-5953	Environmental Services 822-8184	Police 822-2428	Recreation 822-7091
Community Development 822-5955	Finance 822-5951	Public Works 822-5957	Transportation 822-3775

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

July 3, 2013

David Estes  
Authorized Operations Manager  
Cypress Grove Chevre  
1330 Q Street  
Arcata, CA 95521

Subject: Compliance Order for Cypress Grove Chevre for violations of Categorical  
Industrial User Wastewater Discharge Permit No. 004-01- 0002

Dear Mr. Estes:

Cypress Grove Chevre is currently discharging under Categorical Industrial User Wastewater Discharge Permit No. 004-01-0002, effective October 30, 2011. Permit conditions include general and prohibited discharge standards as well as specific discharge limits for pollutants known or suspected to be in the industrial process wastewater discharged from the Cypress Grove Chevre facility. A review of the self-monitoring reports for the period of October 30, 2011 to current identified the following violations of wastewater discharge Permit No. 004-01-0002 permit conditions:

1. Cypress Grove Chevre is required to collect a sample for oil and grease analysis every 30 days and a sample for pH analysis once every calendar quarter. The wastewater discharge permit specifies a daily maximum oil and grease limit of 50 mg/L and a pH limit of no less than 5.0 and no greater than 9.5.
2. During the period of October 30, 2011 to current, Cypress Grove Chevre self-reported 18 effluent limit violations for discharges of oil and grease above the numerical effluent limit. The City of Arcata Environmental Services Department has detected an additional one (1) effluent limit violation for discharges of oil and grease above the numerical effluent limit and two (2) pH violations during routine annual inspection events.

3. Subsequent to the end of each calendar quarter the City of Arcata must document Significant Noncompliance (SNC) calculations for all criteria identified in 40 CFR 403.8(f)(2)(vii)(A-H). Sixteen of the self-reported Oil and Grease violations exceeded the Technical Review Criteria (TRC) of 1.4 times the effluent limit, resulting in a total of four consecutive SNC violations for TRC criteria. Cypress Grove Chevre has incurred 4 consecutive SNC violations for chronic effluent violations. SNC calculations for second quarter 2013 are to be determined. Table 1 is a summary of oil and grease compliance data, permit limit violations, and SNC violations incurred since October 30, 2011.

TRC calculations do not apply to pH violations. SNC chronic violations will be calculated upon receipt of the second quarter 2013 Self Monitoring Report. Tables 1 and 2 summarize compliance data violations incurred since October 30, 2011.

Table 1. Summary of oil and grease compliance data, permit limit violations and SNC violations incurred since October 30, 2011.

Compliance Period	Sample Date	Permit Limit	TRC Limit	Sample Result	Permit Limit Violation	SNC TRC	SNC Chronic	Violation Tally for Quarter
Q4_2011	11/30/2011	50	70	70	Yes	Yes	Yes	2 permit limit exceedances SNC for TRC Violations SNC for Chronic Violations
	12/28/2011	50	70	140	Yes			
Q1_2012	1/30/2012	50	70	84	Yes	Yes	Yes	2 permit limit exceedances SNC for TRC Violations SNC for Chronic Violations
	2/29/2012	50	70	130	Yes			
	3/21/2012	50	70	48	No			
Q2_2012	4/11/2013	50	70	290	Yes	Yes	Yes	3 permit limit exceedances SNC for TRC Violations SNC for Chronic Violations
	4/30/2012	50	70	150	Yes			
	5/29/2012	50	70	240	Yes			
Q3_2012	7/27/2012	50	70	110	Yes	Yes	Yes	3 permit limit exceedances SNC for TRC Violations
	8/16/2012	50	70	120	Yes			
	9/26/2012	50	70	82	Yes			

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								SNC for Chronic Violations
Q4_2012	10/26/2012	50	70	200	Yes	Yes	Yes	3 permit limit exceedances SNC for TRC Violations SNC for Chronic Violations
	11/21/2012	50	70	68	Yes			
	12/19/2012	50	70	140	Yes			
Q1_2013	1/17/2013	50	70	180	Yes	Yes	Yes	2 permit limit exceedances SNC for TRC Violations SNC for Chronic Violations
	2/13/2013	50	70	270	Yes			
	3/18/2013	50	70	46	No			
Q2_2013†	4/11/2013	50	70	120	Yes	TBD*	TBD	TBD
	5/9/2013	50	70	230	Yes			
	6/5/2013	50	70	62	Yes			

†Q2\_2013 oil and grease data based on information received from the Industrial User for self-reported effluent limit violations.

\*final SNC and violation tally for quarter 2 2013 to be determined upon submission of the Quarter 2 2012 Quarterly Compliance Report due July 31, 2013

Table 2. Summary of pH compliance data, permit limit violations and SNC violations incurred since October 30, 2011.

Compliance Period	Sample Date	Permit Limit	Sample Result	Permit Limit Violation	SNC Chronic	Violation Tally for Quarter
Q4_2011	12/2/2011	5.0 – 9.5	7.3	No	No	
Q1_2012	3/23/2012	5.0 – 9.5	5.6	No	No	
Q2_2012	4/11/2012	5.0 – 9.5	8.1	No	No	
Q3_2012	9/30/2012	5.0 – 9.5	5.1	No	No	
Q4_2012	12/26/2012	5.0 – 9.5	6.2	No	No	
Q1_2013	3/27/2013	5.0 – 9.5	5.8	No	No	
Q2_2013	4/10/2013	5.0 – 9.5	4.6	Yes	TBD	2 permit limit exceedances
	4/11/2013	5.0 – 9.5	4.7	Yes		

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TRC calculations represent violations in which 33% or more of all measurements taken during a six month period exceed the product of the daily maximum limit multiplied by 1.4. Chronic effluent violations are defined as those violations in which 66% or more of all measurements taken during a six month period exceed the daily maximum effluent limit. Cypress Grove Chevre has clearly demonstrated a pattern of non-compliance with regards to discharges of oil and grease. The last column in Table 1, "Violation Tally for Quarter" summarizes the violations incurred during each quarter for discharges of oil and grease.

Two pH effluent violations have been detected during the current permit cycle. To date, Cypress Grove Chevre has not submitted data to the City of Arcata to demonstrate that pH violations have been resolved. Cypress Grove Chevre remains in noncompliance for pH discharges outside of the established effluent range.

Cypress Grove Chevre has taken several actions, on their own and at the request of the City of Arcata Environmental Services Department, to attempt to reduce the concentration of oil and grease in its discharge. Records indicate that Cypress Grove has attempted to improve pretreatment through physical alteration of the pretreatment system including installation of a biofilter, reconfiguration of interceptor piping to decrease settle material disturbance, and installation of new floor drains in production areas. Cypress Grove Chevre has also implemented several Best Management Practices (BMPs) including the elimination of hot water during facility wash down, implementation of dry cleaning methods for curd clean-up prior to wash down, and increased interceptor pumping and maintenance. It has been difficult to determine the effectiveness of these actions due to the gradual increase in production at the facility during the same time period.

The City of Arcata Public Works Department has inspected the sanitary sewer lines downstream of the Industrial Users' discharge point for evidence of oil and grease build-up attributed to discharges from the facility. To date, no evidence has been found to directly attribute oil and grease blockages to discharges from Cypress Grove Chevre. The City of Arcata Environmental Services Department has found no evidence of gross interceptor mismanagement during its inspections of the pretreatment facility.

Cypress Grove Chevre has violated and continues to violate conditions of Arcata Municipal Code (AMC), Title VII, Chapter 2, and Article 9. Cypress Grove Chevre is hereby ordered to comply with the conditions of this Compliance Order pursuant to AMC Section 7493.2.

Within a reasonable time period Cypress Grove Chevre shall provide the necessary wastewater pretreatment to comply with all applicable pretreatment regulations. Within thirty (30) days of receipt of this Compliance Order, Cypress Grove Chevre shall submit

to the Director of Environmental Services a compliance schedule proposing project milestones, including progress report dates and completion dates, by which the Cypress Grove Chevre shall come into compliance with all applicable pretreatment regulations. The compliance schedule shall include, at a minimum, the following milestones:

- a. Within thirty (30) days of receipt of this Compliance Order, Cypress Grove Chevre shall submit a report of Best Management Practices that are/will be implemented in the interim time until the final pretreatment system is in place.
- b. Within thirty (30) days of receipt of this Compliance Order, Cypress Grove Chevre shall submit a report that confirms the installation of a 24-hour pH meter, including an operations and maintenance plan. The report shall include a detailed plan on how Cypress Grove Chevre will respond to incidents of pH violations to bring the facility back into compliance with effluent limits until such time that the continuous pH monitoring and control system is installed.
- c. Date of submission of detailed engineered plans to the City of Arcata Environmental Services Department for a pretreatment system to control discharges of oil and grease, pH, and Biochemical Oxygen Demand (BOD) loading. Plans shall clearly demonstrate the flow of all wastewater discharges from the facility. All process wastewater, including any waste stream capable of discharging from whey holding tanks and/or digesters, must flow to the pretreatment system. Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water and unpolluted industrial wastewater shall not flow through the pretreatment system unless specifically authorized by the Director of Environmental Services.

The detailed engineered plans shall include an assessment of the degree of effluent reduction attainable for conventional pollutants and data which clearly demonstrates that the pretreatment equipment can produce discharge which meets all conditions of the wastewater discharge permit and must be submitted to the City of Arcata for review at least ninety (90) days prior to installation of the engineered pretreatment system.

At a minimum the plans for the engineered pretreatment system shall include:

1. A continuous pH monitoring and control system upstream of the established sample location. The system shall include, at a minimum, a low/high pH alarm system to warn the Industrial User of impending limit violations, a mechanism to control low/high pH discharges through automated neutralization, and a data recorder.

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2. Suitable storage and flow control over a 24-hour period. The facility shall be equipped with alarms and a rate of discharge controller, the regulations of which shall be directed by the Director of Environmental Services. This requirement shall be enforced upon the commencement of discharges equaling 10,000 gallons per day.
  3. The City of Arcata is in the process of updating its local limits regulation to include local limits for conventional pollutants including BOD. The engineered pretreatment system shall be designed to treat BOD to acceptable levels. At this time the City anticipates a new BOD local limit of 40 lbs/day. Further, the oil and grease local limit will remain in the revised local limit regulation. Cypress Grove Chevre will be subject to sewer use surcharges should it discharge wastewater with pollutant concentrations in excess of the established local limits. Surcharges applied will reflect the actual cost of treatment of high strength wastewater over the fees paid in sewer discharge fees. Fees may be applied based on excess concentration, pounds of pollutant discharged, or both. The City anticipates that final local limits will be adopted no later than July 1, 2014.
- d. Date of installation of the engineered pretreatment system. Under no circumstances shall a delay in the facility expansion (Building Permit #11691) preclude Cypress Grove Chevre from installing and maintaining an engineered pretreatment system to control discharges of oil and grease, pH, and BOD loading.

The City of Arcata has issued a conditional building permit for the proposed expansion project of the Cypress Grove Chevre facility (Building Permit #11691). Under no circumstance shall a Certificate of Occupation be granted for the new portions of the facility until such a time that Cypress Grove Chevre demonstrates that its current discharge is in compliance with applicable pretreatment regulations and that the pretreatment design is adequate to provide treatment for discharges from new portions of the facility.

If you fail to submit the requested reports by the given deadline, or correct the above violations as required by this Compliance Order, the City of Arcata shall take appropriate enforcement actions authorized by the AMC including, but not limited to, the possible assessment of civil liabilities not to exceed \$2,000.00 for each day for failing or refusing to furnish technical or monitoring reports and/or civil liabilities not to exceed \$3,000.00 for each day for failing or refusing to timely comply with an established compliance schedule. The amount of any civil penalty imposed which remains delinquent for a period of sixty (60) days shall constitute a lien against real property of the discharger.

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If you have any questions regarding this matter you may contact Rachel Hernandez,  
Environmental Compliance Officer at (707) 825-2148.

Sincerely,



MARK S. ANDRÉ

Director

Environmental Services Department

cc: Erik Lust, Water/Wastewater Superintendent (City of Arcata)

Rachel Hernandez, Environmental Compliance Officer (City of Arcata)